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<u>REMARKS</u>

Claims 1-8 were rejected under 35 USC 112, first paragraph. The rejection is traversed. In fact, the examiner, in the 102(b) rejection, detailed below, construed Tollette face material as single sheet having two layers.

A sheet can be, among others, film or glass. See, e.g., the Random House Dictionary of the English Language, attached hereto as ATTACHMENT. A film such as multilayer film or a glass is well known to one skilled in the art as having multilayers. Accordingly, it is common usage for the term "sheet" to indicate a structure having more than one layer. There is also ample support in the specification for applicants' use of "single sheet" to refer to a face material having a first layer and a second layer (see, e.g., page 6, line 24 through page 7, line 17; page 8, lines 1 to 18; and Figures 1 and 2).

Claim 25 was rejected under 35 USC 112, first paragraph, for lack of antecedent basis. The rejection is submitted to be now moot for the amended claim 25 recites a second sheet of face material.

Claims 1-2,4-6, 8, 11, 18-19, 21-24, 27-28, and 31-32 were rejected under 35USC 102(b) over Tollette. The rejection is traversed for the following reasons.

Tollette discloses that the paper, adhered to the foam (see, e.g., abstract), adds to the body (of the label) and provides a reverse printing on the underside of the film (see, e.g., column 3, lines 24-30).

As to claims 1, 11, and 31-32, the examiner construed Tollette as having a face material (FIG. 2, ref. numeral 18) being a single sheet having first layer (ref. numeral 18, which is paper) and a second layer 20 (which is film). If the paper is face material, it cannot have two layers. If the film is the face material, it does not laminated to the insulating layer. Applicants' claims require that the face material be laminated to the insulating layer.

Tollette expressly discloses layer 18 as paper, paper does not melt and as a consequence has no melting temperature. Therefore, Tollette cannot and does not identically or inherently describe (the word used in 102(b)) the claimed invention, which requires two layers having different melting temperatures.

Applicants' amended claims 11 and 31 specifically require that the face material be (not comprise) film or fabric and further distinguish over Tollette.

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Though claims 2 and 6 cannot be anticipated by Tollette, as discussed above, for they also require that two layers have different melting temperatures, in a good faith intent to advance the prosecution, applicants amended claim 2 to delete the recitation of paper.

The examiner then alleges that the Tollette face material is paper or film. As discussed above, the examiner construed Tollette as having a face material (FIG. 2, ref. numeral 18) being a single sheet having first layer (ref. numeral 18, which is paper) and a second layer 20 (which is film). To reject claims 2 and 6, the examiner changed the interpretation and construed the film (20) is the face material. It is the film or the paper, but not both. Assuming, arguendo, Tollette can be construed both ways, applicants submit the film does not laminate to the insulating layer. Applicants' claims 2 and 6 call for face material laminated to the insulating layer. Nor does the paper layer have a melting point.

In examiner's analysis of Tollette, the paper layer (18) is construed as the face material. Then, the film cannot be the face material that also adheres to the foam.

As to claim 4, applicants submit that the mere presence of an ink layer (layer 16) in Tollette does not anticipate that a printable coating is present on the face material because ink is not a coating.

As to claim 7, the examiner now construed the paper (18), not the film (20), as face material and alleged that layer 18 is modified on the surface facing away from the thermal insulating layer to facilitate printing. Applicants submit that Tollette discloses that the ink is applied to the *underside* of the film 12 prior to its adhesion to the layer 18 (col. 4, lines 9-10 and 14-16; see also, above discussion). Therefore, the examiner was incorrect in alleging that layer 18 is modified to facilitate printing for printing is not on layer 18.

Additionally, Tollete discloses that the printing is on the face of layer 12 facing toward the insulating layer and not away from the insulating layer as required in claim 7. Furthermore, the ink in Tollette is located on the interior of the "laminate" (layers 12-20). Consequently, the surface (i.e. the outer boundary) of the face material of Tollette is not modified to facilitate printing.

As to claim 8, the examiner construed layer 18 of Tollette as being modified on the surface facing away from the thermal insulating layer to facilitate bonding to another surface. Applicants submit that the examiner erred because the adhesive layer

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14 is applied to the underside of the film layer 12 (see, e.g., col. 4, lines 9-10), not on the surface of the face material.

Applicants noted that the examiner did not specifically reject claims 18-19.

As to claim 21, the examiner construed the Tollette face material to include the paper layer 18 and adhesive layer 20 as the second layer. The examiner not only disregarded all other layers and counted layers out of sequence, but also ignored the limitation that the second layer of claim 21 (second layer is between the first layer and the insulating layer). Also as discussed above, paper does not have a melting point.

As to claim 22, the examiner construed Tollette layer 28 (a releasable backer) as an additional face material. Applicants submit that a releasable backer is not a face material. Applicants' specification (page 10, lines 5-16) specifically discloses that a release liner (reference numeral 28) is outside the face material and is not the face material itself. It is noted that a face material becomes the face of a label when the label is applied to, for example, a container. A release liner is *released* when applied to a subject thereby disappearing from the label.

FIG. 1 of applicants' specification also discloses that the face material 20 consists of layers 22 and 24, but does not include the adhesive layer 26 and the release liner 28. Applicants also note that claims 23 and 24 are consistent in the interpretation that the adhesive layer 26 and the releasable liner 28 are considered separate from and in addition to the face material. However, to address the examiner's specific rejection, applicants amend claim 22 to recite that the face material is not releasable.

As to claim 23, the examiner construed Tollette as disclosing an adhesive primer (layer 14) applied to the surface of the face material facing away from the thermal insulating layer. Applicants submit that the examiner ignored other adhesive layers 20 and 22 and erred because Tollette FIG. 2 shows that layers 14, 20, and 22 are applied to the underside of the film (discussed above), the paper (18), and the releasable backer (28), each is facing toward the insulating layer and not away from it.

As to claim 27 and 31, the examiner construed Tollette FIG. 5 as showing two sheets of face material sealed together along the top, side and bottom edges.

Applicants submit that the examiner erred in interpreting FIG. 5 because Tollette specifically discloses (col. 7, lines 62-68) that the film is 42, the paper insert is 48,

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and the foam is 52. FIG. 5 illustrates that a single sheet of face material 42 is adhered to the foam layer 52 and a second sheet of face material is not present. It is clear that the insulating layer is not laminated between two sheets of face material as required in claims 27 and 31.

Furthermore, Tollette discloses use of a heavy grade paper with superior wet strength to overcome the effects of water seeping into the body of the label (see, e.g., column 3, lines 33-53). Such disclosure is a compelling suggestion that the edges of Tollette label cannot be and are not sealed as required in applicants' claims.

In other words, Tollette appears to lead one skilled in the art away from applicants' claims 27 and 31.

As to claim 28, the examiner misinterpreted Tollette as disclosing that the thermal insulating layer is laminated to at least one sheet of coextruded film comprising a first layer and a second layer because Tollette insulating layer 20 (foam), as the examiner note above, is adhered to the paper (18). Paper is not a coextruded film. Applicants also submit that claim 28 depends from claim 27 that requires two sheets of face material sealed together so that fluid cannot penetrate the edges of the insulating label. Tollette does not disclose that two sheets of face material are sealed together.

Claim 3 was rejected under 35 USC 103(a) over Tollette and Keiser. The rejection is traversed for the following reasons.

First, neither Tollette, nor Keiser, nor combinations of Tollette and Keiser discloses or suggest a face material having two layers, which have two different melting temperatures.

Secondly, in the four corners of Keiser, Keiser does not disclose or even suggest an insulating label. As such, applicants submit that Keiser cannot and does not provide motivation to modify Tollette thereby providing the elements missing in Tollette to arrive applicants' claims.

Claim 20 was rejected under 35 USC 103(a) over Tollette and Yamada. The rejection is submitted to be in error because Yamada does not disclose or suggest an insulating stock and cannot provide motivation for modifying Tollette. Even if Yamada remotely relates to an insulating stock, it does not suggest the elements missing in Tollette (claim 1, two layers having different melting points or claim 31, the face material is film or fabric).

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Claims 27-30 were rejected under 35 USC 103(a) over Tollette and Keiser. The rejection is also traversed.

Applicants note that the limitation of claims 27-30 includes that the edges of the sheets of face material are sealed together so that fluid cannot penetrate the edges of the insulating label. The limitation is not disclosed or suggested in either Tollette or Keiser. Therefore combining these references cannot render these claims obvious. The examiner pointed to Tollette FIG. 2 to indicate that "face materials 18, 20 and 26, 28" [sic] are sealed to the insulating layer throughout the area of the label. Applicants submit that the face materials identified by the examiner are not in contact and therefore *cannot* be construed as being sealed together as required in applicants' claims. Furthermore, while the face materials may be sealed to the insulating layer over the area of the label, they are not disclosed or suggested in FIG. 2 of Tollette to be sealed together over the thickness of the edge of layer 20, where fluid can penetrate the insulating layer.

The examiner repeated rejection of claims 34-35 over Tollette and McFall merely because McFall teaches that the film of the first and second sheet is axially oriented polyester film for the purpose of adding strength and/or dimensional stability to the substrate. Applicants submit that the substrate in McFall is polymer-coated paper (see, e.g., column 4, lines 37-43). There is no disclosure or suggestion in McFall that the polyester films can function for the purpose of adding strength and/or dimensional stability to the foam of Tollette. Applicants also submit that McFall discloses a thermal-reactive label and not an insulating label.

Respectfully submitted,

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Dated: April 19, 2005

ATTACHMENT

THE
RANDOM
HOUSE
DICTIONARY
of the
ENGLISH
LANGUAGE
The
Unabridged
Edition

3). 1, contraction of the had, 2, contraction a. (ched/ar), n. 1. one who or that which sheds. crab. etc., just before it molts. [ME; see

(she/der/i), -der/-), n, a woman who ro-deril, as in cuttems wickedness, cruelty, or

if/, a roof having a single slope. Also called

(the fish), n. pt. fish-ee, (esp. collectively) man (lef. 2). [shee (prob. native name in critivest Canada) + fish [shefq), n. 2 girl's given nama Also, fish, Shelagh.

(the fish-gr. n. Charles, 1883-1965, U.S. [photographer.]

i photographer.

50). n. 1. luster; brightness; radiance. 2.

50). n. 1. luster; brightness; radiance. 2.

50. n. 1. luster; brightness; radiance. 2.

50. and North Eng. to shine. [ME sheene, beautiful; C. G schon] —sheen/ful, adj.

50. adj. —sheen/ly, adv. ss, adj. — lee polish.

jee polish.

jen, n. Fulton (John), born 1895, U.S.
sholic clersyman, writer, and teacher.
(shofne), n. pl. neys. Offenses sheanys,
650-769, adj. sheen-ier, sheen-iest. shim-



recrysimate knot]

ners (chepy-changes), n. an elimical crater of quadrant of the face of the moon; about 20 feed by and designed to print individual flat these of page. C. web-feed (sherved), n. 1. a deep-bodied of food lish, Archonorque probatocephalus, the Atlantic coast of the U.S. 2.5 fresh-sheet/silm/, Photog. 5 flat piece of film cut to a speer. C. web-feed (sherved), n. 1. as deep-bodied, sheet/film/, Photog. 5 flat piece of film cut to a speer. C. web-feed (sherved), n. 1. the scrope of film cut to a speer. S. a sherphesd. 4. Obs. a (solish or required size before being placed in a comera. Sheet/film/, Photog. 5 flats in sheet form produced by drawing or by the cylinder glass process.

Sheet/film/, Photog. 5 flats piece of film cut to a sheet/film/, Photog. 5 flats in sheet form produced by drawing or by the cylinder glass process.

Sheet/film/, Photog. 5 flats piece of film cut to a sheet/film/, Photog. 5 flats piece of film cut to a sheet/film/, Photog. 5 flats piece of film cut to a sheet/film/, Photog. 5 flats piece of film cut to a sheet/film/, Photog. 5 flats piece of film cut to a sheet/film/, Photog. 5 flats piece of film cut to a sheet/film/, Photog. 5 flats piece of film cut to a sheet/film/, Photog. 5 flats piece of film cut to a sheet/film/, Photog. 5 flats piece of film cut to a sheet/film/, Photog. 5 flats piece of film cut to a sheet/film/, Photog. 5 flats piece of film cut to a sheet/film/, Photog. 5 flats piece of film cut to a sheet/film/, Photog. 5 flats piece of film cut to a sheet/film/, Photog. 5 flats piece of film cut to a sheet/film/, Photog. 5 flats piece of film cut to a sheet/film/, Photog. 5 flats piece of film cut to a sheet/film/, Photog. 5 flats piece of film cut to a sheet/film/, Photog. 5 flats piece of film cut to a sheet of covering with crawing or by the cylinder glass process.

Sheet/film/, Photog. 5 flats piece of film cut to a sheet/film/, Photog. 5 flats piece of film cut to a sheet of covering with crawing or sheet/film/, Photog. 5 flats piece of film cut to a

a. (chēp/skin/), n. 1. the esp. esp. such a skin dressed fool on, as for a garment, parthent, or the like, made an of sheep. Informal, a.—adj. 4. made from the sheep. S. (of a garment) the skin of a sheep dressed



Sheep tick

ow. h to kill by violence; slaughter. [ME: Sheeps/wool sponge/ (sheps/wdi/). See wool Shel-field (shef/sid), n. 1.2 city in S luramurd, in N England. 493.954 (1981). 2.2 city in NW Alabama, ic. shed/da-ble, adj.

emit, radiate, offuse. spread. 4. repel 9. insect, Melophogus owinus, that is parasitic on sheep. Shef/field Lake/. 2 town in N Object Access. sheeps' tick/, a wingless, bloodsucking dividences, sheeps' tick/, a wingless, bloodsucking dividences, sheeps' tick/, a wingless, bloodsucking dividences, sheeps' tick/, a town in N Ohio. 6884 also called ked, sheep ked. [late NE sheeps'te].

Sheep-well (sheep' to pastured. [exerp + walk] sheep-well (sheep' to pastured. [exerp + walk] sheep-weed (sheep' to pastured. [exerp + walk] sheep-weed (sheep' to pastured. [exerp + walk] sheep-weed (sheep' to pastured. [exerp + walk] sheeps'ta (sheep' to pastured. [exerp + walk] she

sheep-weed (ghēp/wēd/), n. See bog violet. [SHELF + WEED¹]
sheer! (ghēr), adj. I. transparently thin; diaphanous, est some fabries; sheer stockings. 2. unmixed with anything slee: We drilled a hundred feet through these rock. S. unqualified; utter: sheer nonsense. 4. Catanding down or up very steeply; almost compleaby vertical: a sheer descent of rock. 5. Bril. Obs. bright; shining. —cds. 6. dear; compleaby; quite: ron these sino the thick of battle. 7. perpendicularly; vertically; down or up very steeply. —n. 8. a thin. diaphanous material, as chilfton or volle. [Mel sterc.] Ob sear. undisputed (in legal context); c. Ical skār; clans, undisputed (in legal context); c. Ical skār; swarve. —s. 2. to cause to sheer. 8. Ship-building, to give shoer to (a hull). —n. 4. a deviation or divergence, as of a ship from her course; swarve. 5. the fore-and-aft upward curve of the full of a vessel at the main deck or bulwarks. 6. the position in which a ship at anchor is placed to keep her clear of the suchor. [Irom sumari; c. sams development of clans]
Sheer-legs (shēr/legs/), n. (usually construed as ni.)

5. the forp-and-aft upward curve of \$1.6 ft hold of a table of the position of the photon, and the position of the photon, and the photon, and the photon, and the photon of the photon

crawing or by the cylinder glass process.

Sheet-ing (5)5/552), n. 1. the act of covering with or forming into a sheet or sheets. 2. wide mustin, chiefly for sheets. 5. Engineering, Building Trades. 2 quantity of sheet piles. [senert] - Inci]

Sheet/ light/ming, lightning appearing merely as a general illumination over a broad surface, usually due to the reflection of the lightning of a distont thunder-storm.

sheet/ met/al, metal in sheets or thin plates.

sheet/ mu/sic, music, nuslip a single composition, printed on unbound sheets of paper.

sheet/ pile/, one of a number of pilas usually flat, driven side by side to retain earth, etc., or to prevent scepage into an excavation. Also called sheath pilo.

Fund.

she-hi-tah (she kue th/). n. Hebrew the shughtering of animals for load by a duly certified person in the manner prescribed by Jawish law. Also, shechitah. Cf. shohet.

sheik (shak). n. 1. (in Arab and other Muslim use) a chief or head; the head man of a village or tribe b. the head of a religious body. 2. Stong. 8 man held to be masterful and irrestribly charming to woman. Also, sheikh. [< Ar shouth old man]—sheik/like/, addi.

sheik-dom (shek/dam), n. the land or territory under the control of a shelk. Also, sheikh/dom. [sheik +-nom]

Shei-1a (ahē/la), n. Australian Slang. a girl or young woman. [special use of proper name]
Shei-1a (ghē/la), n. a girl's given name. Also, Sheelnh, Shei/lah, Sheilah.



Shei/lah, Shelagh.
Shei/lah, Shelagh.
Shei/tah (shi tād'), n. Shaitan.
Shei-tal (shi t'a), n. p. sheit-len (hāt'lan). Yiddish, a wig won's by certain Orthodox Jewish married women in keeping with an old rabbinical pricept that forbids a woman in leave her hair uncovered in the sight of a man other than hirt bushand.
Shek-el (shick'ol), n. 1.
an ancient, orig. Babbylonian, unit of weight, of varying value, takun as equal to the fitteth or the sixtieth part of a mina or to about 2 quarter to half an ounce. Z. a colm of this weight, esp. the chief silver coin of the Hebrews. 3. abekels, Slang, money; cash.
[< Heb sheet!] She-kinah (shi kō'na, -iv'-; Heb. she special.), n.

[< Hab sheet]
She-ki-nah (ahi kā'na, -ki/-; Hab. she mā nā/). n.
Theol the presence of God on earth or a symbol or
manifestation of His presence: May the Shakinah ever
duell in your midst. Also, Sheehinah. [< Heb]
She-lagh (ahā/la). n. a girl's given name Also,
Sheclah, Sheilah.
Shel-by (aha/bā). n. 1. a city in 8 North Carolina.
17,588 (1950). 3. a town in central Ohio. 9106 (1960).
3. a town in N Montana. 4017
(1960).

(1960). Shel-by-ville (thel/bs vil), n. 1. a city in central Tennessee. 10,466 (1960). 2. a town in central Illinois. 4821 (1960). 3. a town in N Kentucky. 4525 (1960).

Shel-don (shel/dən, -don), n. 1. a town in NW Iowa. 4251 (1960). 2. a boy's given name.

2. a boy's given name.

Shel-drake (shel/drak'), n., pl.-drakes, (sep. oilectizely) drake.

1. any of several Old World ducks of the genera Tadorna or Casurca, certain species of which have high-ly variegated plumage. 2. any of various other ducks, csp. the googander or merganeer. ME sheldedrake, equiv. to sheld pardicolored (now oba.) + drake phancil.

Shel-duck (shel/duk'), n., pl. -ducks, (sp. oilectizely) duck. 1. a shodrake. 2. a female sheldraka [shell (see similipalare) + ducks].

Shele-pin (che je-pin), n, A-lo-gan-dr Ni-ko-la-ye-vich (k/le k#in/der ni ko lk/ye vich), bora 1918, Russian government official: member of the Presidium anne 1961.

She lest (she lest), n. Pyota Ye fi-mo-vich (pyō/tan ye fi/mo vich), born 1903, Russian government official: alternate member of the Frendrum.

alternate member of the Freedium.

Shelf (shelf), n., pl. shelves (shelve). L. a thin slab of wood, wetal, ec., fixed horizontally to a wall or in a frame, for supporting objects. 2. the contents of this: a shelf of books. 3. a surface or projection resembling this; ledge. 4. a sand bank or submerged expent of rock in the sen or river. 5. the bedrock underlying an allural deposit or the like. 8. Archery, the upper part of the bow hand, on which the arrow resu. 7. off the shelf, readly available from merchandise in stock: Any of those parts can be purchased off the shelf. 8. on the shelf. Stans, a put saide temporarily; postponed. b. inactive; useless. a. (of a woman) without prospects of marriage, as after having broken an engagement: She was unhappy on the shelf but could have been from more unhappy married to that good-fornothing. [ME: OE scylic: akin to LG schelf shelf, lost -ek/alf bench] — shelf flies', adj.

shelf an/gle, an angle from attached to or suspended from a girder to carry masonry or the ends of a number of joists.

shelf-ful (shelf-7001/). n., p!, -fuls. 1. an amount adequate to fill a shelf: She buys canned gods by the shelfful. 2. the amount contained on a shelf: We gave away a shelfful of books. [SEELF 4-701] Shelf-702/, ice forming part of or broken from an ice shelf.

shelf life, the term or period during which a stored commodity remains effective, useful, or suitable for consumption. Many medicines have a very short their kie. Also called storage life.